

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL LEU, as Proposed :
Administrator of the Estate :
of PAMELA LEU, Deceased, :

Plaintiff, :

ORDER

- against - :

08 Civ. 5160 (DC)

PFIZER INC. et al., :

Defendants. :


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CHIN, District Judge

In this wrongful death case, plaintiff Michael Leu sues as the "Proposed Administrator" of the Estate of his late wife, Pamela Leu (the "Estate"). Defendants move to dismiss for lack of standing on the grounds that plaintiff has not been appointed administrator of the Estate. See N.Y. E.P.T.L. § 5-4.1. Plaintiff opposes the motion only to the extent that he asks that the case be stayed rather than dismissed. Alternatively, he asks that the dismissal be without prejudice.

The motion to dismiss is granted, for, unless and until he is appointed administrator of the Estate, plaintiff lacks standing to sue on behalf of the Estate. The complaint is dismissed, without prejudice and without fees or costs.

SO ORDERED.

Dated: New York, New York
July 11, 2008


DENNY CHIN
United States District Judge